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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Anna Belle Williams

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/896,992	WILLIAMS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beth Van Doren	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/2007 has been entered.
2. Claims 1, 2, and 13 have been amended and claim 47 has been added. Claims 1-16 and 47 are pending.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 9 and 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites “components are at-risk due to a capital cycle risk”. It is not clear whether this is the same capital cycle risk recited in claim 2 or another risk, in which case it is not clear as to what are the differences between the two risks. Clarification is required. For examination purposes, this limitation has been construed as components are at-risk due to the capital cycle risk.

Claim 12 recites “components are implicated based upon an identified innovation risk”. It is not clear whether this is the same innovation risk recited in claim 2 or another risk, in which

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case it is not clear as to what are the differences between the two risks. Clarification is required. For examination purposes, this limitation has been construed as components are implicated based upon the identified innovation risk.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S. 2002/0188496) in view of Beauchesne (U.S. 6,128,626).**

As per **claim 1**, Feldman et al. teaches computer implemented method of identifying potential risk, the risk due to potential disruptions in material supply to a manufacturing facility, the method comprising:

identifying a component for an assembled product, the component being purchased from a supplier, wherein identifying the component includes identifying the supplier of the component that is used as a part for a manufacturer (See paragraphs 10-11 and 43, wherein the bill of materials and components for final products are identified, as well as the suppliers of these components);

storing an identity of the component (See paragraphs 26, 34, and 45, which discloses a database that stores the inputs of the system); and

identifying potential risk due to potential disruptions in the continuity of material supply of the component, the potential risk due to potential disruptions in continuity of material supply

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including risks associated with geopolitical risks and capital cycle risks (See paragraphs 7, 14, 43, 45, 48, 86, and 89, which disclose risks associated with geography and political issues, as well as capital risks associated with financial value. See also paragraphs 11-12 and 38).

However, Feldman et al. does not expressly disclose a manufacturer's part number being used to identify the components of Feldman et al. or that the other risk factors affecting the supply chain (paragraph 86) include innovation risks.

Beauchesne discloses a manufacturer's part number of the component (See column 8, lines 55-67, column 9, lines 13-42, wherein the component of the final product is identified. These components are purchased from supplying vendors. The components are maintained in the system using the part number and vendor). However, Beauchesne does not expressly disclose innovation risk.

Both Feldman et al. and Beauchesne disclose components parts being supplied by a supplier so that an end product may be manufactured. Feldman et al. specifically identifies suppliers that supply the components to the manufacturer, as well as geopolitical and capital risks associated with this supplying. Beauchesne discloses that these supplied components have part numbers associated therewith. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the part numbers of Beauchesne in the system of Feldman et al. in order to more efficiently identify the parts supplied by specific suppliers to the manufacturer using such a numbering system.

Further, Feldman et al. discloses risks associated with suppliers that effect supply. Feldman et al. further states in paragraph 86 that other risk factors could affect the supply chain. It is old and well known that innovation is a type of creation performed by supplying vendors,

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especially in the field of electronics where the components rapidly change with time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider innovation risk in identified potential risks that cause disruption of Feldman et al. in order to more effectively procure components by considering the risk on components and to final assembled products. See paragraphs 10, 13, and 86, of Feldman et al.

As per **claim 47**, Feldman et al. teaches a computer implemented method of identifying potential risk, the risk due to potential disruptions in material supply to a manufacturing facility, the method comprising:

identifying a component for an assembled product, the component being purchased from a supplier, wherein identifying the component includes identifying the supplier of the component that is used as a part for a manufacturer and further includes identifying a geographical location from which the component is supplied (See paragraphs 10-11 and 43, wherein the bill of materials and components for final products are identified, as well as the suppliers of these components. See paragraphs 7, 14, 43, 45, 48, 86, and 89, which disclose risks associated with geographical area from which the component is supplied, such as natural and political issues);

storing an identity of the component (See paragraphs 26, 34, and 45, which discloses a database that stores the inputs of the system); and

identifying potential risk due to potential disruptions in the continuity of material supply of the component, the identifying potential risk including evaluating geopolitical risk based upon geographic concentration and a risk associated with the geographic location (See paragraphs 7, 14, 43, 45, 48, 86, and 89, which disclose risks associated with geographical area from which the

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component is supplied, such as natural and political issues. Concentration involves when multiple suppliers are affected by the same risk, such as fault lines).

However, Feldman et al. does not expressly disclose a manufacturer's part number being used to identify the components of Feldman et al.

Beauchesne discloses a manufacturer's part number of the component (See column 8, lines 55-67, column 9, lines 13-42, wherein the component of the final product is identified. These components are purchased from supplying vendors. The components are maintained in the system using the part number and vendor).

Both Feldman et al. and Beauchesne disclose components parts being supplied by a supplier so that an end product may be manufactured. Feldman et al. specifically identifies suppliers that supply the components to the manufacturer, as well as geopolitical and capital risks associated with this supplying. Beauchesne discloses that these supplied components have part numbers associated therewith. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the part numbers of Beauchesne in the system of Feldman et al. in order to more efficiently identify the parts supplied by specific suppliers to the manufacturer using such a numbering system.

**7. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman et al. (U.S. 2002/0188496) in view of Hendrick et al. ("Production/Operations Management").**

As per **claim 2**, Feldman et al. teaches a method of identifying potential risk, the risk due to potential disruptions in material supply to a manufacturing facility, the method comprising:

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Determining a set of components for an assembled product and storing the set of components (See paragraphs 10-11 and 43, wherein the bill of materials and components for final products are identified, as well as the suppliers of these components. See paragraphs 26, 34, and 45, which discloses a database that stores the inputs of the system);

The ability to store information related to components (See paragraphs 26, 34, and 45, which discloses a database that stores the inputs of the system); and

identifying potential risk due to potential disruptions in the continuity of material supply of the component, the potential risk due to potential disruptions in continuity of material supply including risks associated with geopolitical risks and capital cycle risks (See paragraphs 7, 14, 43, 45, 48, 86, and 89, which disclose risks associated with geography and political issues, as well as capital risks associated with financial value. See also paragraphs 11-12 and 38).

However, Feldman et al. does not expressly disclose innovation risks or determining a set of sub-components for the set of components and combining the set of components and the set of sub-components.

Hendrick et al. discloses:

determining a set of sub-components for the set of components (See pages 228-9 and page 231, figure 11-3, wherein subcomponents and subassemblies are determined); and

combining the set of components and the set of sub-components (See page 230-232, which discuss building a bill of materials and product structure trees by combining this information); and



creation risk (See page 230, where supplying vendors also receive supply for their produced components and build the deliverables given to the manufacturer who assembles the final product).

However, Hendrick et al. does not expressly disclose innovation risk.

Both Hendrick et al. and Feldman et al. disclose components parts being supplied by a supplier so that an end product may be manufactured. Feldman et al. specifically identifies suppliers that supply the components to the manufacturer, as well as geopolitical and capital risks associated with this supplying. Feldman et al. further discloses bill of materials and identifying the components that are assembled to produce a final product. Hendrick et al. specifically discloses determining assembly and subassembly parts, generating bill of materials, and the problems that can possibly occur when procuring different parts from different outside vendors, such as the parts coming too early, too late, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to include subcomponents in the bill of materials and components of Feldman et al. in order to more efficiently meet the demand for the final product by more appropriately coordinating the components and subcomponents needed for the final product. See page 228-230 of Hendrick et al. which discloses these motivations.

Further, Feldman et al. discloses risks associated with suppliers that effect supply. Feldman et al. further states in paragraph 86 that other risk factors could affect the supply chain. Hendrick et al. discloses considering in the lead time it takes to get a component or subassembly from a vendor the time it takes for the supplying vendor to assemble and build the component or subassembly. It is old and well known that innovation is a type of creation performed by supplying vendors, especially in the field of electronics where the components rapidly change

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with time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider innovation in the creation component of lead time of Hendrick et al. in order to increase the accuracy of order scheduling by considering the risk on components and to final assembled products, thus ensuring that enough on-hand inventory is available to assemble the final product. See pages 230 and 232 of Hendrick et al., which discuss the importance of timing and available inventory when building an assembly. See also paragraphs 10, 13, and 86, of Feldman et al.

As per **claim 3**, Feldman et al. discloses storing the country of origin of the set of components (See paragraphs 7, 14, 43, 45, 48, 86, 89, wherein the geographic area and politics of the country are inputs to the system. See paragraphs 26, 34, and 45, where inputs are stored).

As per **claims 4 and 11**, Feldman et al. discloses storing an indicia of and evaluating geopolitical risk associated with the country of origin of the set of components, as well as based upon geographic concentration and a risk associated with a geographic location (See paragraphs 7, 14, 43, 45, 48, 86, 89, wherein the geographic area and politics of the country are inputs to the system, this including risk associated with politics and the geographic are of the supplier. See paragraphs 26, 34, and 45, where inputs are stored)

As per **claims 5 and 6**, Feldman discloses storing an identity of a supplier of the set of components and an assembler of the set of components (See paragraphs 43, 45, 49).

As per **claim 7**, Feldman et al. teaches determining a product assembled by a manufacturer, the product including the set of components (See paragraphs 43, 45, 49, wherein the product is assembled by the manufacturer. See paragraphs 10-11 and 43, wherein the bill of materials and components for final products are identified).

As per **claims 8 and 14**, Feldman et al. does not expressly disclose end-of-life dates of components. Hendrick et al. teaches identifying risk associated with parts arriving too early, carrying costs, and net inventory taking into account inventory already held by the manufacturer (See pages 230 and 232). However, Hendrick et al. does not expressly disclose an end-of-life date of the set of components.

Both Hendrick et al. and Feldman et al. disclose components parts being supplied by a supplier so that an end product may be manufactured. Feldman et al. specifically identifies risks associated with supplied components, such geopolitical and capital risks associated with this supplying. Hendrick et al. teaches identifying risk associated with parts arriving too early, carrying costs, and net inventory. It is well known in inventory management that different resources, such as the paint of Hendrick et al., have shelf lives and thus must be used by a specified date, at which point they are no longer a usable resource. Thus, many companies account for these dates when ordering resources and considering on-hand balance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider end-of-life date of the set of components when ordering needed components and subcomponents, in order increase the accuracy of order scheduling, thus ensuring that enough on-hand inventory is available to assemble the final product. See pages 230 and 232 of Hendrick et al., which discuss the importance of timing and available inventory when building an assembly.

As per **claim 9**, Feldman et al. teaches determining whether components are at risk due to the capital cycle risk, the capital cycle risk being determined by predictability of demand versus supply and capital flexibility (See paragraphs 7, 14, 43, 45, 48, 86, and 89 which disclose risks

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associated with capital risks associated with financial value and demand and supply issues. See also paragraphs 11-12 and 38).

As per **claim 10**, Feldman et al. teaches storing an identity of a fabricator of the set of components, wherein the identity of the fabricator includes the name of the foundry (See paragraphs 13, 49, 58, 65, 81, 84, and 89, wherein both parts are produced (i.e. fabricated) at facilities and supplied to a manufacturer, and where a manufacturer assembles parts and sections to fabricate the product).

As per **claim 12**, Feldman et al. discloses evaluating whether components from the set of components are implicated based upon an identified risk, such as risks associated with suppliers that effect supply (See paragraphs 14, 43, 45, 48, 86, and 89). However, Feldman et al. does not expressly disclose innovation risk.

Hendrick et al. teaches whether components from the set of components are implicated based upon an identified creation risk (See page 230, where supplying vendors also receive supply for their produced components and build the deliverables given to the manufacturer who assembles the final product).

However, Hendrick et al. does not expressly disclose innovation risk.

Both Hendrick et al. and Feldman et al. disclose components parts being supplied by a supplier so that an end product may be manufactured. Feldman et al. discloses risks associated with suppliers that effect supply. Hendrick et al. discloses considering in the lead time it takes to get a component or subassembly from a vendor the time it takes for the supplying vendor to assemble and build the component or subassembly. It is old and well known that innovation is a type of creation performed by supplying vendors, especially in the field of electronics where the

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components rapidly change with time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider innovation in the creation component of lead time of Hendrick et al. in order to increase the accuracy of order scheduling, thus ensuring that enough on-hand inventory is available to assemble the final product. See pages 230 and 232 of Hendrick et al., which discuss the importance of timing and available inventory when building an assembly.

As per **claim 13**, Feldman et al. teaches evaluating whether components from the set of components are implicated based upon an identified risk due to a supplier concentration (See paragraphs 7, 14, 43, 45, 48, 86, and 89, wherein geographical area is considered, such as if 2 facilities are in the same area with the same risks (i.e. fault lines)).

As per **claim 15**, Feldman et al. teaches receiving a production plan and generating a material requirement plan for a component (See paragraphs 10-11 and 43, wherein the bill of materials and components for final products are identified, as well as the suppliers of these components).

As per **claim 16**, Feldman et al. discloses if quantities of the component are not available to support the material requirement plan for the components, identifying that shortages of the component are possible (See abstract, paragraphs 7-8, 11, 57, wherein it is discussed the risk caused by components not being available).

#### ***Response to Arguments***

8. Applicant arguments with regards to the previous 35 USC 112, second paragraph, rejections of claims 12-13 have been considered and they are persuasive. Therefore, these

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rejections have been withdrawn. However, new 35 USC 112, second paragraph, rejections have been established based on the current amendments to the claims.

9. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new grounds of rejection, necessitated by amendment.

10. Further, in the previous Office Action, Official Notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the current (which is the subsequent) response. Specifically, it has been taken as prior art that:

- a. It is old and well known that innovation is a type of creation performed by supplying vendors, especially in the field of electronics where the components rapidly change with time.
- b. It is well known in inventory management that different resources, such as the paint of Hendrick et al., have shelf lives and thus must be used by a specified date, at which point they are no longer a usable resource. Thus, many companies account for these dates when ordering resources and considering on-hand balance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Khaitan (U.S. 6,907,402) discloses considering currency risk, credit risk, country specific political risk, etc. when securing a commodity.

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Feldman et al. (U.S. 7,246,080) discloses considering supply risks on components, such as political and geographical risks, as well as value and revenue risks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
bvd

July 23, 2007

  
**BETH VAN DOREN**  
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